

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed July 27, 2005 ("Office Action"). At the time of the Office Action, Claims 1-11 were pending in the application. Applicants respectfully request reconsideration and favorable action in this case.

Section 103 Rejections

The Office Action rejects Claims 1-11 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,094,145 issued to Vilain et al. ("*Vilain*") and U.S. Patent No. 6,108,309 issued to Cohoe et al. ("*Cohoe*"). For the following reasons, Applicants respectfully submit that Claims 1-11 are patentable over the *Vilain-Cohoe* combination.

Independent Claim 1 of the present application recites:

A computer including software, for managing telecommunication network elements, comprising:

one or more operator-driven processes which monitor and manage network elements in real time, using at least one telecommunications network control channel;

a database which reports attributes of ones of said network elements in response to queries from ones of said operator-driven processes; and

one or more background processes
which monitor communications over said control channel and
which parse all communications which imply network element status changes and

which dynamically update said database accordingly, in real time.

Applicants respectfully submit that the proposed *Vilain-Cohoe* combination does not disclose, teach, or suggest each and every limitation recited in Applicants' Claim 1. For example, neither *Vilain* nor *Cohoe* disclose, teach, or suggest "one or more operator-driven processes which monitor and manage network elements in real time, using at least one telecommunications network control channel," as recited in amended Claim 1. With respect to the recited claim language, the Examiner relies on the disclosure of *Vilain*. *Vilain* merely discloses, however, that the "telecommunication management system SGT comprises management centers CG1 providing management services by means of applications AP1,

APm, and APk, which require two-way communication by means of management messages with telecommunication network elements NE1, NEn of a telecommunication network RT and a management message transfer point PTMG.” (Column 3, lines 40-46). With regard to the management functions performed, *Vilain* merely discloses that “[a] set of management applications e.g., EAG1 is made up of management services which are similar from the point of view of the telecommunication network elements NE1, NEn of the telecommunication network RT.” (Column 4, lines 34-37). For example, the “set EAG1 may comprise the call billing services applications.” (Column 4, lines 27-28). Thus, the management functions of the system of *Vilain* are application-based, and as a result management functions are also application-driven. Accordingly, *Vilain* does not disclose, teach, or suggest “one or more operator-driven processes which monitor and manage network elements in real time, using at least one telecommunications network control channel,” as recited in Applicants’ Claim 1.

As another example, neither *Vilain* nor *Cohoe* disclose, teach, or suggest “a database which reports attributes of ones of said network elements in response to queries from ones of said operator-driven processes,” as recited in amended Claim 1. With respect to the recited claim language, the Examiner again relies on the disclosure of *Vilain* and specifically relies upon the portion of *Vilain* that discusses a message transfer point PTMG. (Office Action, page 2). Applicants submit, however, that the message transfer point PTMG of *Vilain* does not include the features and perform the operations in Applicants’ recited claim language.

To the contrary, *Vilain* discloses that the “telecommunication management system SGT comprises management centers CG1 providing management services by means of applications AP1, APm, and APk, which require two-way communication by means of management messages with telecommunication network elements NE1, NEn of a telecommunication network RT and a management message transfer point PTMG.” (Column 3, lines 40-46). The management centers and the telecommunication network elements communicate with the message transfer point PTMG “each in its own specific way, which handles the necessary conversions in the transfer of management messages between management centers and telecommunication network elements.” (Column 3, lines 46-53). Thus, the PTMG merely operates as a pass through point for the conversion of messages

between the OS and the NE. Although *Vilain* discloses a memory to “hold the data of messages in transit until they have been forwarded” such a memory is not “a database which reports attributes of ones of said network elements in response to queries from ones of said operator-driven processes,” as recited in Applicants’ Claim 1.

As still another example, Applicants respectfully submit that the proposed *Vilain-Cohoe* combination does not disclose, teach, or suggest “one or more background processes . . . which monitor communications over said control channel and which parse all communications which imply network element status changes and . . . which dynamically update said database accordingly, in real time,” as recited in Applicants’ Claim 1. In the Office Action, the Examiner acknowledges that *Vilain* does not disclose the recited claim language; rather, the Examiner relies upon *Cohoe* for disclosure of Applicants’ “background processes.” (Office Action, pages 2-3). However, the portion of *Cohoe* relied upon by the Examiner merely discloses that “each of the core processes share and update common data through the use of a shared memory 140.” (Column 9, lines 10-12). Although a “network element segment 149” of the memory 140 includes “detailed information about the state/status of each network element” (Column 9, lines 17-21), the core processes referred to in *Cohoe* do not “monitor communications,” “parse all communications which imply network element status changes,” and “dynamically update” memory 140 “in real time,” as recited in Claim 1.

Rather, with regard to state requests, *Cohoe* discloses that “network elements also receive commands from the [Network Management System (NMS)] including: audit requests, provisioning requests, state requests, and switching commands.” (Column 4, lines 17-19). The network elements then “formulate response messages and send them to the NMS formatted in accordance with TL-1.” (Column 4, lines 19-22). Thus, state requests generated by the NMS are transmitted to the network elements and the network elements respond with their respective states in an ask-and-answer format. Accordingly, the simulator system of *Cohoe* cannot be said to include “one or more background processes . . . which monitor communications over said control channel and which parse all communications

which imply network element status changes and . . . which dynamically update said database accordingly, in real time,” as recited in Applicants’ Claim 1.

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claim 1, together with Claim 2, which depends from independent Claim 1.

Independent Claims 3 and 7 recite certain features and operations that are analogous to the features of Claim 1. For example, Claim 3 recites “monitoring communications between a network element manager and a plurality of network elements,” “parsing messages received from one or more of the plurality of network elements, which include updated configuration status information,” and “dynamically updating portions of the configuration status information.” As another example, Claim 7 recites a processor being “operable to parse messages received from one or more of the plurality of network elements, which includes updated configuration status information” and “dynamically update portions of the configuration status information with portions of the updated status information.” As described above with regard to Claim 1, the cited references do not disclose the recited features and operations. Accordingly, for reasons similar to those discussed above with regard to Claim 1, Applicants respectfully submit that the proposed *Vilain-Cohoe* combination does not disclose, teach, or suggest each and every element recited in Applicants’ Claims 3 and 7.

For at least these reasons, Applicants respectfully request reconsideration and allowance of independent Claims 3 and 7, together with Claims 4-6 and 8-11, which depend from independent Claims 3 and 7, respectively.

CONCLUSION

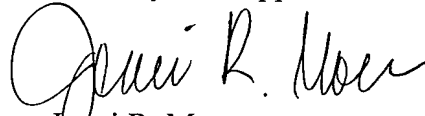
Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims.

If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Applicants believe that no fee is due. However, should there be a fee discrepancy, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants



Jenni R. Moen
Reg. No. 52,038
Phone: (214) 953-6809

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CORRESPONDENCE ADDRESS:

Customer Number: **05073**